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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/154,966	09/17/1998	CHRISTOPHER HAYWOOD		7857

35114 7590 10/27/2003

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EXAMINER

NGUYEN, STEVEN H D

ART UNIT PAPER NUMBER

2665

DATE MAILED: 10/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/154,966

Applicant(s)

HAYWOOD ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The declaration filed on 2/6/2003 under 37 CFR 1.131 is sufficient to overcome the Haddock (USP 6023471) and Perlman (USP 6442170) references.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Dahod et al (USP 5682383).

Dahod discloses a switch backplane comprising a plurality of switching controllers (Fig 2, Ref 24-N) and plurality of packet buses, (Fig 2, Ref 32-N), each of packet buses having a root interfacing with a different one of the switch controller and a plurality of leaves interfacing with a plurality of the switch controllers wherein a plurality of switch controllers propagate packet

data in parallel from the roots with which the switch controllers interface with leaves (Fig 2, the links 31 link the switch to the packet buses).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod (USP 5682383) in view of admitted prior art.

Dahod fails to disclose the claimed invention. However, the admitted prior art discloses a claim line interfacing with a plurality of switch controllers and associated packet bus, wherein a switch controller transmits a claim signal on claim line upon identifying a packet propagated on the packet bus for capturing (Fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a teaching of claim line as disclosed in the admitted prior arts into Hahod's system. The motivation would have been to improve the throughput of the switch.

6. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod in view of Shimizu (USP 4866702).

Dahod fails to disclose the claimed invention. However, Shimizu discloses (Fig 1-22 and col. 1, lines 25 to col. 13, lines 22) generating a congestion signal if the receiving buffer can not receiving any more packets; a stall line having a root interface with a different one of the switch

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controller and a plurality of leaves interfacing with a plurality of the switch controllers and switch controller transmits a stall signal from the leaf to root upon identifying a congestion condition on packet bus (See Abstract and Fig 2, Ref 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a congestion buses as disclosed by Shimizu into Dahod. The motivation would have been to prevent data loss and improve the throughput of network. Even without Shimizu's teaching, one of ordinary skill in the art would have been recognized a step of generating a congestion signal for transmitting via a bus into Perlman because it is well know and expected in the art.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod in view of Scoot (USP 5953340).

Dahod fails to fully disclose the claimed invention. In the same field of endeavor, Scott discloses a switch controller having a protocol domain interface for converting protocol for transmitting/receiving the data packet on the parallel packet buses (col. 7, lines 64 to col. 8, lines 42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a protocol domain as disclosed Scott into Dahoh. The motivation would have been to interface the different networks. Even without Scott's teaching, one of ordinary skill in the art would have been recognized a step of applying a protocol domain into Perlman because it is well know and expected in the art.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod and Scott in view of Admitted Prior art.

Regarding claim 10, claim 10 is similar to claim 2. Therefore, claim 10 is rejected same rationale as claim 2.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod and Scott further in view of Shimizu (USP 4866702).

Regarding claim 11, claim 11 is similar to claim 3. Therefore, claim 11 is rejected same rationale as claim 3.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod in view of the Admitted Prior art and Shimizu (USP 4866702).

Dahod (Fig 1-20 and col. 2, lines 15 to col. 40, lines 14) a switch backplane (Fig 2) comprising a plurality of switching controllers (Fig 2, Ref 24-N) and plurality of packet buses, (Fig 2, segments), each of packet buses having a root interfacing with a different one of the switch controller and a plurality of leaves interfacing with a plurality of the switch controllers wherein a plurality of switch controllers propagate packet data in parallel from the roots with which the switch controllers interface with leaves (See Fig 2 wherein the ref 24s have a root interfaces for transmitting a packet on the packet buses to the leaves interfaces in parallel). However, Dahoh fails to disclose each receive interface has an address filtering mechanism for recognizing the destination address of packet and capturing the data packet and transmitting a claim signal to the other receive interface. In the same field of endeavor, the admitted prior art disclose a claim line for transmitting the claim signal to the other device (Fig 1) and Shimizu discloses a packet filter for recognizing the destination address of packet (See Abstract and Fig 2, Ref 7).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a teaching of claim line as disclosed in the admitted prior arts and a packet filter as disclosed by Shimizu into Hahod's system. The motivation would have been to improve the throughput of the switch.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
October 14, 2003